

REMARKS

The Office Action mailed December 22, 2006, has been carefully reviewed and the foregoing amendment has been made in response thereto.

In response to the restriction requirement, applicant hereby confirms the election of Invention I, claims 1-7 and 13-16. In supporting the restriction requirement, the Office Action merely points out that there are limitations that are not common between the two specified groups of claims. The mere differences in claim limitations fails to show separate utility of the claim groups. Other limitations which are more relevant to the patentability of the claims are commonly recited by both groups. For example, both groups recite that the target server sends an answer message containing a corresponding list (i.e., answer list) indicating whether each DRM method listed in an offer message is supported by the target server and providing a respective network address of a DRM license server of each supported DRM method. The commonality of claim limitations outweighs the differences, thereby showing that there would be no abnormal burden on the examiner to search all the claims together. Therefore, the restriction requirement should be withdrawn and all of claims 1-21 should be taken up for consideration.

The rejection of claims 1-3, 5, 6, and 13-15 under 35 USC 103(a) as being unpatentable over Lockhart et al in view of Haukka et al is respectfully traversed. Representative claim 1 recites, inter alia, that the target server is capable of providing the DRM encoded content item in a plurality of respective DRM methods and that after the client sends an offer message to the target server containing a list of at least one supported DRM method then the target server sends an answer message to the client containing a corresponding answer list 1) indicating whether each DRM method listed in the offer message is supported by the target server, and 2) providing a respective network address of a DRM license server for each supported DRM method.

Lockhart relates to the delivery of permits for enabling protected content to be viewed. Using what it calls a "DRM agnostic clearing house, Lockhart provides permits

across multiple DRM architectures (col. 3, lines 37-49 and col. 4, lines 5-13). It states that permits are digital devices that allow consumers to access protected content. Since the permit is separate from the actual encoded content that the consumer desires to view and since Lockhart's permit process is "agnostic" to the type of DRM, there is no automated selection or negotiation of the DRM method between a client and a target server in Lockhart.

The rejection acknowledges that Lockhart fails to disclose an offer message to a target server containing a list of at least one supported DRM method. It relies on Haukka to allegedly teach such an offer message. However, Haukka is unrelated to transfer of content files protected by DRM. It is merely a security mechanism for authenticating users. Therefore, combining the teaching of Haukka with Lockhart does not result in the creation of an offer message listing DRM methods supported by the client. Furthermore, there would be no motivation to list supported DRM methods in Lockhart based on the teaching of Haukka because Lockhart is agnostic with respect to an actual DRM architecture and therefore would not use the information if it had it.

Lockhart and Haukka are further deficient in that they fail to either teach or suggest an answer message from the target server to the client which provides a respective network address of a DRM license server for each supported DRM method. There are no content files in Haukka, and therefore there is no license server. In Lockhart, the permit server is the license server. Since the client is already connected with the DRM agnostic clearinghouse, there would be no reason to transmit the network address of a license server. There is only one license server in Lockhart, and no respective DRM license servers for different supported DRM methods. In view of the foregoing comments, claims 1-3, 5, 6, and 13-15 are patentable over Lockhart in view of Haukka.

The rejection of claim 4 under 35 USC 103(a) as being unpatentable over Lockhart and Haukka in view of Kokkinen is respectfully traversed. Claim 4 depends from claim 1. Since Kokkinen fails to correct for the deficiencies noted above in Lockhart and Haukka, claim 4 is allowable as depending from an allowable claim.

The rejection of claims 7 and 16 under 35 USC 103(a) as being unpatentable over Lockhart and Haukka in view of Blom et al is respectfully traversed. Claims 7 and 16 depend from claims 1 and 13, respectively. Since Blom fails to correct for the deficiencies noted above in Lockhart and Haukka, claims 7 and 16 are allowable as depending from an allowable claim.

In view of the foregoing amendment and remarks, claims 1-7 and 13-16 are now in condition for allowance. Claims 8-12 and claims 17-21 should not be taken up for action. Favorable action is respectfully solicited.

Respectfully submitted,



Mark L. Mollon
Attorney for Applicant(s)
Reg. No. 31,123

Dated: March 8, 2007
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fifth Floor
720 Water Street
Toledo, Ohio 43604
(734) 542-0900